

Celebration of Music. I know they will represent my wonderful state, and my district, very well.

# STUDENT PROTECTION FROM SEXUAL ABUSE ACT OF 1999

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Ms. NORTON. Mr. Speaker, I introduce the Student Protection from Sexual Abuse Act of 1999 today because the U.S. Supreme Court has asked for Congressional guidance on whether we intend Title IX to allow damages and/or injunctive relief when a 9th grade student is sexually assaulted and harassed. Like the four Members of the Supreme Court in the closely divided 1998 opinion, *Gebser v. Largo Vista School District*, I believe that Congress intended damages and injunctive relief when a child is sexually assaulted by a teacher while in school. I agree with Justice Stevens and the dissenting justices, as well as the Department of Education, that the Court's own prior rulings and the statute itself allows damages without meeting criteria that virtually guaranteed no Title IX remedy. The majority of the Court, however, concluded that it needed "further direction from Congress."

This bill provides that guidance. I believe that no Member would want to be responsible for the bizarre and unacceptable result that sexual harassment is now covered when a principal harasses a teacher but not when a teacher assaults or harasses an underaged student. I do not believe that Congress intends for a school system to be able to virtually immunize itself from damages even though a teacher repeatedly has had intercourse with a ninth grader. Further, my bill not only protects a child and her parents, but the school system as well by limiting damages to compensatory damages.

The Court says it's our fault. Twenty-seven years ago, when Title IX was written, Congress did not foresee what we see clearly today: cases of teacher-student sexual abuse are arising fast and often. The ball is in our court, and this is not child's play. The Supreme Court in the *Gebser* decision has given the Congress a virtual summons to remedy, or, if you prefer, to update our own language to correct a glaring child abuse gap in our law.

I ask for bipartisan support on this the Student Protection from Sexual Abuse Act of 1999 and for passage this year. The earlier we do so, the sooner school systems will take action to prevent sexual abuse of children committed to their charge, thus eliminating the need for court suits.

# TRIBUTE TO LA.COM

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to LA.com and its founders, David Ezra and Martin Mizrahi.

As more and more Americans turn to the web as a source of information, LA.com pro-

vides comprehensive information on entertainment, business and consumer information affecting the LA area. In addition, it provides travel and tourism information, as well as traffic assistance. More importantly, it also provides free exposure for organizations to advertise their philanthropic and cultural events.

In offering a venue for various public service organizations, it provides these groups with an opportunity to share their services and information with a large audience they might not otherwise reach.

LA.com offers something for everyone looking for everything from critical information in or around Los Angeles, to entertainment and social happenings. In establishing this site, David Ezra and Marty Mizrahi have provided to a valuable resource the people who visit and live in Los Angeles by which they can be informed of important occurrences throughout the city.

Mr. Speaker, distinguished colleagues, please join me in commending these gentlemen. These innovative entrepreneurs are paving the way for other cities to follow in disseminating important information among the community.

# SPECIAL RECOGNITION OF JUDGE JOHN R. EVANS UPON HIS RE- TIREMENT FROM PUBLIC SERV- ICE

**HON. MICHAEL G. OXLEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Mr. OXLEY. Mr. Speaker, I rise to honor a true public servant and long time friend, Judge John Evans of Lima, Ohio. Judge Evans has served the good people of America and of Ohio ever since joining the United States Army Infantry in November of 1953.

Judge Evans was born in Lima on January 11, 1928. Upon his completion of high school in 1945, Judge Evans went on to Miami University, Oxford, Ohio where he graduated with a bachelor of science degree in mathematics. In 1949, he entered Ohio Northern University Law School where he received his degree in jurisprudence. While honorably serving in the United States Army he was awarded the American Spirit Honor Medal. After completing his military service, he returned to Lima where he entered private practice on January 2, 1955. Beginning January 1957, he served as Assistant Prosecuting Attorney for Allen County, Ohio until January 1962 when he became Director of Law for the City of Lima. Moreover, Judge Evans was Solicitor of the Village of Spencerville, Ohio.

In January 1963, Judge Evans became a partner in the law firm of Gooding, Evans & Huffman, where he practiced until January 1987. Judge Evans was elected to the Third District Court of Appeals and took his oath of office in February the same year.

In addition to his professional responsibilities and family, which include his wife, Joyce, and three sons, Judge Evans has served as trustee of the Ohio Forestry Association, a member of the Board of the Lima Symphony Orchestra, trustee of Woodlawn Cemetery Association and a member of the advisory committee of the Ohio Biological Survey. He also served as a member of the Civil Service Board for the City of Lima.

Mr. Speaker, as you can witness by this long list of public service and generosity to the people of Allen County, Judge Evans will be sorely missed after his retirement from the bench. I do know that he will continue to work on worthwhile community projects during his well deserved retirement. I commend Judge Evans and wish him and his wife, Joyce, all the best in this New Year.

# IN MEMORY OF A. LEON HIGGINBOTHAM, JR.

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 1999*

Mr. CUMMINGS. Mr. Speaker, I rise to pay tribute to A. Leon Higginbotham, Jr.

Higginbotham, a noted civil rights defender who went on to become one of the country's most prominent African-American judges, recently died in Boston after suffering several strokes. He was 70.

Throughout his life, as a judge and scholar, Mr. Higginbotham was known as a passionate defender of civil rights. The late Supreme Court Justice Thurgood Marshall once called him "a great lawyer and a very great judge."

A native of Trenton, N.J., Higginbotham earned his law degree at Yale Law School.

In 1962, President John F. Kennedy named him to the Federal Trade Commission, making him the FTC's first African-American commissioner.

Higginbotham served as president of the Philadelphia chapter of the National Association for the Advancement of Colored People (NAACP) from 1960-1962.

In 1964, Higginbotham was appointed to the U.S. District Court in the Eastern District of Pennsylvania, becoming the third African-American federal district judge.

Four years later, President Lyndon Johnson appointed him vice chairman of the National Commission on the Causes and Prevention of Violence, to investigate the urban riots of the 1960's. The resulting Kerner Report blamed the growing polarization between blacks and whites for the violence.

Higginbotham again broke new ground in 1969 when he became Yale's first African-American trustee.

In 1977, he was appointed by President Jimmy Carter as judge of the 3rd U.S. Circuit Court of Appeals. In 1989, he became chief judge of the U.S. Third Circuit Court of Appeals, which covers Pennsylvania, New Jersey and Delaware.

He retired from the bench in 1993 and became a public service professor of jurisprudence at Harvard's John F. Kennedy School of Government.

At the request of South African leader Nelson Mandela, Higginbotham became an international mediator for issues surrounding the 1994 national elections in which all South Africans could participate for the first time.

Mr. Higginbotham was awarded the nation's highest civilian award, the Presidential Medal of Freedom in 1995, a year after he was honored with the Raoul Wallenberg Humanitarian Award.

In 1995, the American Association of University Professors appointed Higginbotham to its panel to investigate the University of California Board of Regents' decision to end race-based affirmative action.